

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Danardis Mitchell, #47031,	)	C/A No. 6:07-382-JFA-WMC
	)	
Petitioner,	)	
v.	)	<b>ORDER</b>
	)	
Director, Beaufort County Detention Center,	)	
	)	
Respondents.	)	
_____	)	

This matter is before the court for review of the Magistrate Judge’s Report and Recommendation.<sup>1</sup> The *pro se* petitioner, Danardis Mitchell, is a pre-trial detainee at the Greenwood County Detention Center in Greenwood, South Carolina. The petitioner brings this action pursuant to 28 U.S.C. § 2241 alleging false arrest, illegal detention, malicious prosecution and subordination of perjury. He maintains he is in custody in violation of the United States Constitution.

In a detailed Report and Recommendation, the Magistrate Judge suggests that the

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<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1). Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district judge need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4<sup>th</sup> Cir. 2005).

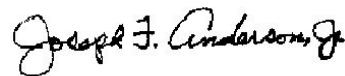
petition is subject to dismissal because the petitioner has not fully exhausted his state remedies. Because the Magistrate Judge fairly and accurately summarizes the facts and standards of law, such will not be repeated herein.

The petitioner was advised of his right to file timely and specific objections to the Report and Recommendation. The court has reviewed the petitioner's objections and finds them to be without merit.

After carefully examining the applicable law, the record in this case, the Report and Recommendation, and the objections thereto, the court adopts the Magistrate Judge's recommendation and incorporates the Report herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge

April 25, 2007  
Columbia, South Carolina